

IN THE UNITED STATES DISTRICT COURT

FILED
BILLINGS, MT

FOR THE DISTRICT OF MONTANA 2006 FEB 22 PM 4:16

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

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LYNN K. CURRIE,

Plaintiff,

VS.

**JO ANN BARHNART, Commissioner,
Social Security Administration**

Defendants.

CV-09-19-BLG-RFC

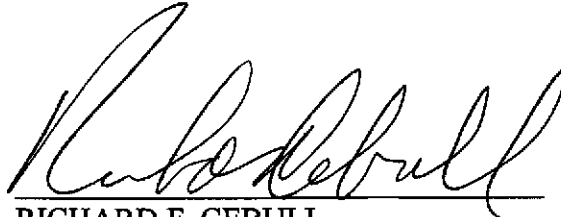
ORDER ADOPTING FINDINGS AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE

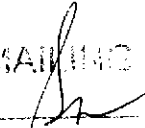
On February 17, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends Plaintiff's Motion to Proceed *In Forma Pauperis* be denied and that Plaintiff be given ten (10) days to pay the full filing fee before the case is closed. In some cases, upon service of a Magistrate Judge's findings and recommendation, a party has ten days to file written objections. See 28 U.S.C. § 636(b)(1). However, in the present case Plaintiff is not allowed ten days to file written objections because the Magistrate Judge's authority to make the recommendation on this pretrial matter is derived from 28 U.S.C. § 636(b)(3), which does not provide a party ten days to file written objections with the district court. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998).


After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. #2) is **DENIED**. Plaintiff has ten (10) days from the entry of this Order to pay the full filing fee or the case will be closed.

DATED the 22nd day of February 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

DECLARATION OF MAILING
2/22/06 BY: 
I, the undersigned, certify that a copy
of this order was mailed to:


RWA